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13 GARVEY SQUARE COOPERATIVE BOARD OF DIRECTORS

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 HO RIM KAM,

17 Petitioner,

18 vs.

19 MARTIN LUTHER KING, JR.-MARCUS

20 GARVEY SQUARE COOPERATIVE

21 BOARD OF DIRECTORS,

22 Respondent.

Case No.: C 07 4414 SBA

**[PROPOSED] ORDER GRANTING
RESPONDENT'S MOTION TO DISMISS
FRCP 12(b)(6)**

Date: October 16, 2007

Time: 1:00 p.m.

Court: Courtroom 3, 3rd Floor

Judge: Hon. Sandra B. Armstrong

23 Respondent Martin Luther King, Jr.-Marcus Garvey Square Cooperative Board of
24 Directors' ("Respondent") Motion to Dismiss pursuant to Federal Rules of Civil Procedure
25 12(b)(6) came on for hearing on October 16, 2007 before this Court with Kaufman Dolowich &
26 Voluck LLP appearing as attorneys for Respondent and Heller Ehrman LLP appearing as
27 counsel for Petitioner Ho Rim Kam. Notice of the Motion was properly made.
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1 After full consideration of the moving papers, the Memorandum of Points and
2 Authorities and all pleadings, records and files in this action; and such other and further evidence
3 and arguments as the Court considered, the Court GRANTS Respondents FRCP 12(b)(6) motion
4 to dismiss Petitioner's Application and Motion for Peremptory Writ of Mandamus because
5 Petitioner has failed to state a claim upon which relief can be granted.

6 IT IS SO ORDERED.

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9 Hon. Sandra B. Armstrong
U.S. District Court Judge
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